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Filing date: **05/13/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding.	91215475
Applicant	Defendant Mexcor, Inc.
Other Party	Plaintiff Diageo North America, Inc.
Have the parties held their discovery conference as required under Trademark Rules 2.120(a)(1) and (a)(2)?	No

Motion for Suspension in View of Civil Proceeding With Consent

The parties are engaged in a civil action which may have a bearing on this proceeding. Accordingly, Mexcor, Inc. hereby requests suspension of this proceeding pending a final determination of the civil action. Trademark Rule 2.117.

Mexcor, Inc. has secured the express consent of all other parties to this proceeding for the suspension and resetting of dates requested herein.

Mexcor, Inc. has provided an e-mail address herewith for itself and for the opposing party so that any order on this motion may be issued electronically by the Board.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Facsimile or email (by agreement only) on this date.

Respectfully submitted,

/William D. Raman/

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05/13/2014

TRADEMARK

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No. 85/731,118
Mark: TEXAS CROWN CLUB WHISKY and Design

DIAGEO NORTH AMERICA, INC.,
Opposer,

v.

MEXCOR, INC.,
Applicant.

Opposition No. 91215475

CONSENTED MOTION TO SUSPEND FOR CIVIL ACTION

Applicant Mexcor, Inc. (“Applicant”), with the consent of Diageo North America, Inc. (“Opposer”) moves for suspension of these proceedings pursuant to 37 C.F.R. §2.117(a).

On March 26, 2013, Opposer filed a lawsuit in the Southern District of Texas against Applicant for claims including trademark infringement, trademark dilution, and unfair competition arising out of Applicant’s use of its CROWN CLUB formatives throughout the United States (“the Lawsuit”). In support of this motion, Applicant submits as Exhibit A a copy of Opposer’s Complaint, Case No. 4:13-cv-00856 in the Southern District of Texas, and further states as follows:

I.

Nature of Opposition and Pending Civil Action

Opposer is the plaintiff in the Lawsuit. It filed its Notice of Opposition to Applicant’s application to register the TEXAS CROWN CLUB WHISKY and Design mark for whisky on March 10, 2014. The basis for its opposition, among other things, is that Applicant’s TEXAS CROWN CLUB WHISKY and Design mark is so similar to its CROWN ROYAL mark and purple bag design mark “as to be likely, when used on or in connection with the goods identified in the

Application, to cause confusion, or to cause mistake, or to deceive, with the consequent injury to Opposer and the public.” See Notice of Opposition at ¶ 15. Opposer also argues that granting the registration sought by Applicant would dilute the distinctive qualities of its marks.

The Lawsuit was filed in March 2013. In the Lawsuit, Opposer claims that Applicant’s CROWN CLUB formatives and bag designs, e.g. TEXAS CROWN CLUB WHISKY and Design, violate its rights in its CROWN ROYAL and purple bag marks. The Complaint describes Applicant’s CROWN CLUB marks and bags as “imitative” of the CROWN ROYAL and purple bag marks. According to Opposer, Applicant’s use of “CROWN” and cloth bags is likely to cause confusion among consumers as to the CROWN CLUB products’ affiliation with, sponsorship by, approval of, or association with CROWN ROYAL. *See* Exhibit A at pp. A12-16, e.g., ¶¶ 30, 32-36.

In the Lawsuit, Opposer seeks, among other things, a permanent injunction barring Applicant from use of the “CROWN-formatives” and its bag designs and recall of all products bearing those marks. Opposer also has asked the court to bar Applicant from filing any future trademark application for marks that incorporate the word “CROWN” or for bag designs in connection with whisky and that all of Applicant’s registrations for marks containing the word “CROWN” be cancelled. *See Id.* at pp. A27-31.


II. **This Proceeding Should Be Suspended** **Pending the Outcome of the Lawsuit**

Whenever a party to a pending proceeding has become engaged in a civil action that “may have a bearing on” the proceedings pending before the Trademark Trial and Appeal Board, the proceedings before the Board “may be suspended until termination of the civil action.” 37 C.F.R. § 2.117. Here, the parties to the Lawsuit are also parties to this Opposition proceeding.

The Lawsuit involves many of the same issues that will be considered in this Opposition and will inevitably have a bearing on these proceedings. Applicant therefore respectfully requests that this Consented Motion to Suspend for Civil Action be in all respects granted and that these proceedings be suspended pending determination of the civil action discussed herein.

Dated: May 13, 2014

Respectfully submitted,

By: 
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ATTORNEY FOR APPLICANT

EXHIBIT A

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

DIAGEO NORTH AMERICA, INC.,

Plaintiff,

v.

MEXCOR, INC. AND
EJMV INVESTMENTS, LLC,

Defendants.

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CIVIL ACTION NO. _____

COMPLAINT

Plaintiff Diageo North America, Inc. (“Diageo” or “Plaintiff”), by its attorneys, alleges as follows for its complaint against defendants Mexcor, Inc. (“Mexcor”) and EJMV Investments, LLC (“EJMV,” collectively, “Defendants”):

NATURE OF THE ACTION

1. This is an action to recover for Defendant’s willful acts of trademark infringement, trade dress infringement, unfair competition, and false designation of origin under 15 U.S.C. §§ 1114 and 1125(a); trademark dilution by blurring and tarnishment under 15 U.S.C. § 1125(c); trademark dilution and injury to business reputation under Section 16.103 of the Texas Business and Commerce Code; and trademark infringement and unfair competition under Texas common law.

2. Plaintiff manufactures, advertises, distributes, and sells CROWN ROYAL[®] Canadian whisky, a world-famous alcoholic beverage that is packaged in an iconic, distinctive, and famous “purple bag” (the “Purple Bag” mark). The Purple Bag is velvety and has

drawstrings around the top. Plaintiff's CROWN ROYAL[®] word mark and Purple Bag mark are the subject of incontestable federal trademark registrations, and are extremely strong and inherently distinctive. Through CROWN ROYAL[®] whisky's enormous commercial success, substantial advertising and sales, and through tremendous consumer satisfaction, the CROWN ROYAL[®] mark and Purple Bag mark have become famous and, accordingly, are exceedingly strong marks entitled to a wide scope of protection. Photographs of the CROWN ROYAL[®] product and its Purple Bag packaging are attached at Exhibit 1. In addition to the core CROWN ROYAL[®] Canadian whisky product, Diageo has developed and sells several CROWN ROYAL[®] line extensions under the marks CROWN ROYAL[®] MAPLE, CROWN ROYAL BLACK[®], CROWN ROYAL RESERVE[®], and CROWN ROYAL XR[®]; these products are packaged in CROWN ROYAL[®] bags in the colors brown, black, gold, and blue, respectively. Thus, while the Purple Bag mark is famous and is immediately identified with CROWN ROYAL[®] whisky, consumers have come to understand that CROWN ROYAL[®] products come in bags in other colors as well. Photographs of the CROWN ROYAL[®] line extensions and the corresponding bags are attached at Exhibit 2.

3. This action arises because Defendants have deliberately and in bad faith embarked on a nationwide scheme to trade on the enormous popularity, goodwill, and consumer recognition of Plaintiff's CROWN ROYAL[®] brand and the CROWN ROYAL[®] and Purple Bag trademarks for their own commercial benefit. On information and belief, Defendants EJMV and Mexcor are acting in concert to accomplish this scheme. Defendants have begun unfairly marketing, distributing, and selling directly-competing Canadian whisky products under a wealth of infringing and dilutive brand names dominated by the term "CROWN," including Texas CROWN Club, Florida CROWN Club, Tennessee CROWN Club, Arkansas CROWN Club, and

South Carolina CROWN Club. Defendants were not content to use imitative names alone. They are advertising, promoting, and selling their infringing products in imitative bags that not only violate Diageo's rights in the Purple Bag mark, but unfairly imitate the overall look and feel of Diageo's CROWN ROYAL[®] product line. When exposed to Defendants' whiskies in the marketplace, consumers are likely to mistakenly believe that Defendants' whiskies are affiliated with, sponsored by, approved by, or associated with CROWN ROYAL[®] whisky, or that Defendants' various whiskies are regional variations or novelty line extensions of CROWN ROYAL[®] whisky. Like Diageo, Defendants have selected whisky brand names that emphasize "CROWN," a distinctive and famous term that is closely identified with CROWN ROYAL[®] whisky. Indeed, "CROWN" is in many cases the most prominent word on Defendants' infringing products. Moreover, Defendants regularly depict the term CROWN in a gold script font confusingly similar to the distinctive gold script used by Plaintiff to display its CROWN ROYAL[®] trademark. Photographs of the Texas CROWN Club, Florida CROWN Club, Tennessee CROWN Club, Arkansas CROWN Club, and South Carolina CROWN Club products and their accompanying infringing bags are attached at Exhibit 3.

4. Defendants' packaging and branding exacerbate the likelihood of consumer confusion. Specifically, Defendants are packaging their whisky products in soft cloth bags or sacks with drawstrings at the top that emulate Plaintiff's Purple Bag packaging and registered trademark as well as the other bags Diageo uses for CROWN ROYAL[®] line extensions. While CROWN ROYAL[®] whisky is sold in a famous Purple Bag and the various CROWN ROYAL[®] line extensions are sold in black, brown, blue, and gold bags, Defendants' whiskies are sold in bags designed to evoke both CROWN ROYAL[®] and the geographic region in which each of Defendants' infringing products is sold. For example, Texas CROWN Club whisky is sold in a

bag that resembles the Texas state flag; South Carolina CROWN Club whisky is sold in a navy blue bag that resembles the South Carolina state flag; Tennessee CROWN Club whisky is sold in a bag that resembles the Tennessee state flag; and Arkansas CROWN CLUB whisky is sold in a bag that resembles the Arkansas state flag. The bag intended for Southern CROWN Club whisky is grey and incorporates design elements reminiscent of the Confederate flag. The bag intended for Las Vegas CROWN Club is red and displays cards and gambling chips. The Florida CROWN Club whisky is sold in a black bag having a depiction of an alligator in gold. Defendants' confusingly similar and dilutive bags immediately evoke Plaintiff's famous Purple Bag mark and other CROWN ROYAL[®] bags causing consumers to believe that Defendants' products originate with or are regional variations or line extensions from the maker of CROWN ROYAL[®] whisky.

5. The parties' respective Canadian whisky products are being sold in the same retail outlets, in many cases side-by-side and even intermingled. The overall effect of Defendants' activities creates the mistaken impression by consumers that CROWN ROYAL[®] whisky is now available in novelty packaging that celebrates a particular state or geographic region.

6. Diageo is already aware of actual confusion occurring in the marketplace as a result of Defendants' infringing products.

7. Defendants' activities are irreparably injuring Diageo, and will continue to do so unless and until halted by this Court. Diageo seeks immediate and permanent injunctive relief, statutory, compensatory, and punitive damages, defendant's profits, Diageo's reasonable attorneys' fees and expenses, a product recall, and corrective advertising sufficient to address Defendants' wrongdoing. Diageo also seeks cancellation of Mexcor's infringing registrations under 15 U.S.C. § 1064, and an order pursuant to 15 U.S.C. § 1119 that Defendants' infringing

U.S. trademark registrations and pending applications that incorporate the “Crown” term and/or Defendants’ unlawful “bag” designs be cancelled, withdrawn, and denied registration (some of these registrations and applications are owned by Mexcor, and some of are owned by EJMV).

PARTIES

8. Plaintiff Diageo is a Connecticut corporation with a business address of 801 Main Avenue, Norwalk, Connecticut 06851.

9. On information and belief, Defendant Mexcor is a Texas corporation with a business address of 8950 Railwood Drive, Houston, Texas 77078.

10. On information and belief, Defendant EJMV is a Texas corporation with a business address of 1401 McKinney Street, Suite 1700, Houston, Texas 77010. On information and belief, Defendants Mexcor and EJMV share ownership and common interests. On information and belief, a single individual, Eduardo Morales, is Mexcor’s President and the sole member of EJMV.

JURISDICTION AND VENUE

11. This Court has jurisdiction over the subject matter of this action under Section 39 of the Lanham Act (15 U.S.C. § 1121) and 28 U.S.C. §§ 1331 and 1338. This Court has supplemental jurisdiction over Diageo’s related state statutory and common law claims pursuant to 28 U.S.C. §§ 1338 and 1367.

12. This Court has personal jurisdiction over Defendant Mexcor and Defendant EJMV because on information and belief, (a) both Defendants reside in Texas and this judicial district; (b) Mexcor’s and EJMV’s principal places of business are located within the Southern District of Texas; (c) at least one of Defendants’ infringing whiskey products is available for purchase in the State of Texas and this judicial district; (d) Defendants have committed tortious

acts in the State of Texas and this judicial district, and Plaintiff's claims arise out of such acts;

(e) Defendants regularly conduct business in the state of Texas and this judicial district; and

(f) on information and belief, Defendants have otherwise made or established contacts in the State of Texas and this judicial district sufficient to permit the exercise of personal jurisdiction.

13. Venue is proper in this judicial district pursuant to 28 U.S.C. §§ 1391 and 1400.

FACTS COMMON TO ALL CLAIMS FOR RELIEF

A. Diageo and CROWN ROYAL[®] Whisky – Marketplace Background

14. CROWN ROYAL[®] Canadian whisky has been marketed and sold in the United States since at least as early as 1954, and the product is currently one of the most widely consumed whiskies in the United States. CROWN ROYAL[®] whisky is sold throughout the United States and its annual U.S. sales are currently in the hundreds of millions of dollars.

15. In addition to CROWN ROYAL[®] whisky, Diageo also distributes CROWN ROYAL merchandise throughout the United States, including t-shirts, jackets, caps, and other apparel. Both the CROWN ROYAL[®] and Purple Bag marks have also been used in connection with sponsorships of sporting events, including rodeo, football, and NASCAR. Such uses of the CROWN ROYAL[®] and Purple Bag marks in connection with goods and services beyond whisky further strengthen the CROWN ROYAL[®] brand and broaden the scope of protection afforded the CROWN ROYAL[®] and Purple Bag marks.

16. CROWN ROYAL[®] whisky is sold throughout the United States in a wide variety of trade channels, including bars, clubs, restaurants, liquor stores, mass retail outlets (e.g., Wal-Mart and Target), club retail outlets (e.g., Sam's Club and Costco), grocery stores, and other retail locations, as well as at sporting events, concerts, and other entertainment events. Diageo

exercises great care, skill, and diligence in connection with its CROWN ROYAL[®] whisky and other products and maintains exacting standards of the highest quality.

17. CROWN ROYAL[®] whisky has been extensively advertised and promoted in various media in the United States, including in television commercials and print publications. Diageo also maintains an extensive internet presence for CROWN ROYAL[®] whisky, and in addition to the website located at <crowroyal.com>, Diageo prominently uses Twitter, YouTube, Facebook, and other social media resources to promote the CROWN ROYAL[®] brand. Diageo's advertising and promotional expenditures on behalf of CROWN ROYAL[®] whisky are substantial, and for the three-year period that ended on December 31, 2012 were in excess of \$100 million.

18. In addition to the CROWN ROYAL[®] mark, advertising and promotional materials for CROWN ROYAL[®] whisky commonly emphasize and prominently depict the Purple Bag that is used for the whisky's packaging, and that has been a focal point of CROWN ROYAL[®] advertising and promotional activities. Diageo's official brand history highlights the role the Purple Bag has played – along with the particular connection of CROWN ROYAL[®] to Texas:

The History of the Purple Bag

To celebrate the maiden visit to Canada of King George VI and Queen Elizabeth of England, Seagram's Chairman Samuel Bronfman developed a unique whisky of refined smoothness for the occasion. But he needed something to present this crown jewel in. Something regal. Something luxurious. It was decided this special whisky would be housed in a velvet bag of purple -- since ancient times the color reserved for royalty -- with drawstrings of gold. From this grand beginning, the fancy purple bag and its perfectly aged contents stayed under wraps in Canada. But as fate would have it with something this exceptional, word was bound to travel. And travel it did. When enterprising Canadians headed to seek their fortune in the oil rich lands of Texas in the 1960s, they

packed their trusty purple bags for the journey. In no time at all, tales of Crown Royal's smoothness spread like a fine whiskey across the land. Today, fifty million purple velvet bags are stitched for Crown Royal every year. Each one remains above all a symbol of excellence to those who savor Crown Royal. It's a sign that every glass will taste exactly like the first. A guarantee that you can tell a whisky by its cover. And luxurious proof that good things come in velvety packages.

See <http://www.crownroyal.com/society-of-the-crown-the-bag>.

19. The Purple Bag mark has been featured in CROWN ROYAL[®] advertising campaigns since at least 1964; for example, the Purple Bag mark is currently widely included in CROWN ROYAL[®] displays at "off-premise" retail locations (including liquor stores, grocery stores, and mass retail outlets). Diageo regularly offers custom Purple Bag embroidery at off-premise events and over the internet, enabling consumers to have their Purple Bags embroidered with their names, initials, and other personal indicia.

20. Beyond Diageo's advertising, CROWN ROYAL[®] whisky has also historically received an enormous amount of third-party media attention, and such media attention has focused not only on the CROWN ROYAL[®] mark, but the Purple Bag packaging as well. This media attention has helped make CROWN ROYAL[®] whisky and the Purple Bag memorable and distinctive in the minds of the consuming public.

21. Diageo uses velvety bags in connection with the CROWN ROYAL[®] line extensions. CROWN ROYAL[®] Maple comes in a brown bag; CROWN ROYAL BLACK[®] in a black bag; CROWN ROYAL XR[®] in a blue bag; and CROWN ROYAL RESERVE in a gold bag. Consumers recognize these bags in their own right, and also identify them strongly with the CROWN ROYAL[®] line of products. Many collect limited-edition or line-extension bags to complement their Purple Bags.

B. Diageo's Distinctive and Famous CROWN ROYAL and Purple Bag Trademarks

22. The CROWN ROYAL[®] and Purple Bag trademarks are inherently distinctive marks.


23. Diageo is the owner of many federal trademark registrations for the CROWN ROYAL[®] trademark, including the following (arranged chronologically by first use date; in this Complaint, these trademarks are encompassed by the phrase "CROWN ROYAL[®] trademark"):

Mark	First Use Date	Reg. No.	Reg. Date	Covered Goods
CROWN ROYAL (Stylized) [®]	Jan. 11, 1954	635,313	Oct. 2, 1956	Alcoholic liquors-namely, whiskey
CROWN ROYAL and Design [®]	Jan. 11, 1954	2,094,877	Sept. 9, 1997	Whisky
CROWN ROYAL [®]	1964	2,851,028	June 8, 2004	Alcoholic beverages namely whiskey
CROWN ROYAL and Design [®]	1964	3,020,295	Nov. 29, 2005	Alcoholic beverages, namely, distilled spirits
CROWN ROYAL [®]	1989	3,096,261	May 23, 2006	Articles of clothing, namely, jackets, caps, pullovers, shirts, t-shirts
CROWN ROYAL (Stylized) [®]	1989	3,234,379	Apr. 24, 2007	Articles of clothing, namely, jackets, wind resistant jackets, leather jackets, boxer , shirts, golf shirts, polo shirts, knit shirts, tank tops, pants, sleepwear, sweatshirts, t-shirts, caps, baseball caps, visors, bandanas, hats, aprons, footwear, namely, sandals and flip-flops
CR CROWN ROYAL SPECIAL RESERVE and Design [®]	Oct. 1, 1991	1,724,742	Oct. 13, 1992	Whisky

CROWN ROYAL [®]	Feb. 2005	3,703,562	Oct. 27, 2009	Articles of clothing, namely, sweatshirts and hats; Financial sponsorship of sporting and cultural events
CROWN ROYAL CHAMPION-SHIP RACING [®]	Feb. 2005	3,234,495	Apr. 24, 2007	Financial sponsorship of sporting and cultural events
CROWN ROYAL XR [®]	June 30, 2006	3,291,893	Sept. 11, 2007	Alcoholic beverages, namely, whisky
CROWN ROYAL EXTRA XR RARE and Design [®]	June 30, 2006	3,314,727	Oct. 16, 2007	Alcoholic beverages, namely, whisky
CR CROWN ROYAL SPECIAL RESERVE and Design [®]	Sept. 2006	3,332,468	Nov. 6, 2007	Alcoholic beverages, namely, whisky
CROWN ROYAL CASK NO. 16	Sept. 30, 2007	3,506,079	Sept. 23, 2008	Alcoholic beverages, namely, whisky
CROWN ROYAL RESERVE [®]	Oct. 2008	3,596,123	Mar. 24, 2009	Distilled spirits
CROWN ROYAL RESERVE CROWN ROYAL RESERVE CRR and Design [®]	Oct. 2008	3,596,124	Mar. 24, 2009	Alcoholic beverages, namely, whisky
CROWN ROYAL BLACK [®]	Mar. 1, 2010	4,023,275	Sept. 6, 2011	Alcoholic beverages except beers

Each of these trademark registrations is valid and subsisting, and several of these trademark registrations have become incontestable pursuant to 15 U.S.C. §1065. Documentation reflecting the trademark registrations and incontestability status are attached as Exhibit 4.

24. In addition to these trademark registrations for the CROWN ROYAL[®] mark, Diageo also owns a federal trademark registration for the design of the purple, gold-trimmed drawstring pouch in which CROWN ROYAL[®] whisky is sold (referred to in this Complaint as the Purple Bag mark):

Mark	First Use Date	Reg. No.	Reg. Date	Covered Goods
	Jan. 1, 1964	3,137,914	Sept. 5, 2006	Alcoholic beverages, namely, spirits

This Purple Bag trademark registration is valid and subsisting and has become incontestable pursuant to 15 U.S.C. §1065. Documentation reflecting this trademark registration and incontestability status is attached as Exhibit 5.

25. In addition to its extensive rights based on its CROWN ROYAL[®] and Purple Bag trademark registrations, Diageo has extensive federal and state common law rights in the CROWN ROYAL[®] and Purple Bag trademarks based on Diageo's extensive advertising, promotion, and sales of CROWN ROYAL[®] whisky and other products using these trademarks.

26. Furthermore, when used in conjunction with each other, the CROWN ROYAL[®] product, bottle shape, product name, and Purple Bag packaging create a unique, distinctive, widely-recognized, famous, and non-functional trade dress (the "CROWN ROYAL[®] Trade Dress").

27. In sum, the CROWN ROYAL[®] trademark, Purple Bag trademark, and CROWN ROYAL[®] Trade Dress are strong, famous, inherently distinctive, have achieved secondary meaning, and have come to be exclusively identified with Diageo (or the maker of CROWN ROYAL[®] whisky). As such, the CROWN ROYAL[®] and Purple Bag marks have by any measure become famous within the meaning of 15 U.S.C. § 1125(c) and Tex. Bus. & Com. Code Ann. § 16.103(b), and are entitled to the widest scope of protection under federal and state trademark infringement, unfair competition, and anti-dilution laws.

C. Defendants' Unauthorized, Infringing, Dilutive, and Unfairly Competitive Activities

28. Defendants are well aware of the popularity and fame of Diageo's CROWN ROYAL[®] whisky, the CROWN ROYAL[®] trademark, the Purple Bag trademark, the CROWN ROYAL[®] Trade Dress, and the goodwill represented and symbolized by each.

29. Nevertheless, with full awareness of that popularity, fame, and goodwill, Defendants have undertaken unfairly and in bad faith to capitalize on the popularity of and demand for CROWN ROYAL[®] whisky and the marks, trade dress, and indicia associated with that product, and to divert Plaintiff's sales to Defendants through a variety of unlawful activities that infringe and dilute Diageo's CROWN ROYAL[®] trademark, Purple Bag trademark, and CROWN ROYAL[®] Trade Dress.

30. Defendants are prominently using several trademarks, each of which standing alone infringes and dilutes Diageo's famous marks. For example, Defendants are currently distributing and marketing competing Canadian whiskies under the names Texas CROWN Club, Florida CROWN Club, Tennessee CROWN Club, Arkansas CROWN Club, and South Carolina CROWN Club, and possibly other brands as well. Each of these brand names emphasizes the distinctive and famous "Crown" term that is closely identified with CROWN ROYAL[®] whisky – and is substantially and confusingly similar to the CROWN ROYAL[®] trademark. Accordingly, the use of each of Defendants' marks standing alone in connection with the advertising and sale of Defendants' Canadian whisky constitutes trademark infringement and dilution. The consumer confusion and dilution created by Defendants' unlawful use is exacerbated by the facts that Defendants regularly give the word "CROWN" much greater prominence as compared to any other word or mark on Defendants' bottles, that in most cases they depict the word "CROWN" in

a gold script font confusingly similar to the gold script font used by Plaintiff to display its CROWN ROYAL[®] trademark, and that in some cases Defendants entirely omit the word CLUB.

31. Defendants' infringing whisky products are already being sold and will likely continue to be sold in the same trade channels and in immediate proximity to Diageo's CROWN ROYAL[®] whisky. For example, the following photographs show Diageo's CROWN ROYAL[®] whisky being sold right next to – and even in the same displays as – Defendants' SOUTH CAROLINA CROWN CLUB whisky (described in a shelf talker as "NEW S.C. CROWN"):



Defendants' willful and wanton intent is evidenced by the fact that Defendants themselves posted the following photograph on their SOUTH CAROLINA CROWN Facebook page (which does not use the word "CLUB" in its title) showing their South Carolina CROWN Club whisky

intermixed with CROWN ROYAL® whisky, with the description “Look at that great stack of South Carolina Crown Whisky”:



32. To support their unlawful products, Defendants have embarked on an extremely broad trademark filing scheme to register marks that include “CROWN” as their dominant component. For example, according to United States Patent and Trademark Office records, Defendant Mexcor owns the following four federal trademark registrations (arranged by registration number):

Mark	Reg. No.	Reg. Date	Covered Goods	Owner
TEXAS CROWN CLUB	3,738,906	Jan. 19, 2010	Whiskey Whiskey	Mexcor
TEXAS CROWN CLUB and Design	3,810,851	June 29, 2010	Whiskey	Mexcor
TEXAS CROWN CLUB and Design	3,810,852	June 29, 2010	Whiskey	Mexcor
SOUTHERN CROWN CLUB	4,269,884	Jan. 1, 2013	Whiskey	Mexcor

33. Defendants have also filed at least 21 federal trademark applications for word marks (i.e., phrases) that include “CROWN” as their dominant component on an “intent-to-use” basis. These applications, many of which EJMV has filed very recently since the beginning of February 2013, are the following (arranged by serial/application number; on information and belief, all of these applications remain pending as of the date of this Complaint):


Mark	Filing Date	Ser. No.	Covered Goods	Owner
TENNESSEE CROWN	July 25, 2011	85-379607	Whiskey	Mexcor
CALIFORNIA CROWN CLUB	Mar. 5, 2012	85-560605	Whiskey	Mexcor
FLORIDA CROWN CLUB	Mar. 5, 2012	85-560550	Whiskey	Mexcor
GEORGIA CROWN CLUB	Mar. 5, 2012	85-560571	Whiskey	Mexcor
SOUTH CAROLINA CROWN CLUB	Apr. 17, 2012	85-600172	Whiskey	Mexcor
AMERICAN CROWN CLUB	Sept. 7, 2012	85-723577	Whisky	Mexcor
CROWN CLUB	Sept. 13, 2012	85-728849	Vodka; whisky	Mexcor
COLORADO CROWN CLUB	Sept. 21, 2012	85-734894	Whisky	Mexcor
LAS VEGAS CROWN CLUB	Oct. 19, 2012	85-758727	Tequila; vodka; whisky	Mexcor

DAKOTA CROWN CLUB	Feb. 5, 2013	85-841350	Whisky	EJMV
WASHINGTON CROWN CLUB	Feb. 5, 2013	85-841343	Whisky	EJMV
NEW ENGLAND CROWN CLUB	Feb. 5, 2013	85-841334	Whisky	EJMV
NEW YORK CROWN CLUB	Feb. 5, 2013	85-841340	Whisky	EJMV
VIRGINIA CROWN CLUB	Feb. 5, 2013	85-841342	Whisky	EJMV
MARYLAND CROWN CLUB	Feb. 5, 2013	85-841333	Whisky	EJMV
BIG APPLE CROWN CLUB	Feb. 5, 2013	85-841346	Whisky	EJMV
NEW ORLEANS CROWN CLUB	Feb. 5, 2013	85-841338	Whisky	EJMV
AMERICAN CROWN CLUB	Feb. 14, 2013	85-850555	Whisky	EJMV
LOUISIANA CROWN CLUB	Feb. 18, 2013	85-852984	Whisky	EJMV
JERSEY CROWN CLUB	Feb. 18, 2013	85-852971	Whisky	EJMV
CHICAGO CROWN CLUB	Feb. 18, 2013	85-852970	Whisky	EJMV

34. Each of Defendants' marks listed above standing alone infringes and dilutes (or would infringe or dilute) the CROWN ROYAL[®] trademark if it is or were used on whisky. Defendants already are using several of these marks in the marketplace, including the TEXAS CROWN CLUB, FLORIDA CROWN CLUB, TENNESSEE CROWN CLUB, ARKANSAS CROWN CLUB, and SOUTH CAROLINA CROWN CLUB marks.



35. Defendants have also filed at least eleven federal trademark applications for marks that emphasize the word "CROWN" and include a cloth bag designed to incorporate a state flag or other symbol referencing a geographic location included in each of these marks.

These applications, many of which again Defendant EJMV has filed very recently since the beginning of February 2013, are the following (arranged by serial/application number; on information and belief, all of these applications remain pending as of the date of this Complaint):

Mark	Filing Date	Ser. No.	Covered Goods	Owner
TEXAS CROWN CLUB WHISKY and Design 	Sept. 17, 2012	85-731118	Whisky	Mexcor
ULTRA PREMIUM AMERICAN CROWN CLUB WHISKY and Design 	Feb. 18, 2013	85-852815	Whisky	EJMV
ULTRA PREMIUM ARKANSAS CROWN CLUB WHISKY and Design 	Feb. 18, 2013	85-852818	Whisky	EJMV

<p>ULTRA PREMIUM CALIFORNIA CROWN CLUB WHISKY CALIFORNIA REPUBLIC and Design</p> 	Feb. 18, 2013	85-852832	Whisky	EJMV
<p>ULTRA PREMIUM COLORADO CROWN CLUB WHISKY C and Design</p> 	Feb. 18, 2013	85-852839	Whisky	EJMV
<p>ULTRA PREMIUM FLORIDA CROWN CLUB WHISKY and Design</p> 	Feb. 18, 2013	85-852842	Whisky	EJMV

<p>ULTRA PREMIUM SOUTH CAROLINA CROWN CLUB WHISKY and Design</p> 	Feb. 18, 2013	85-852846	Whisky	EJMV
<p>ULTRA PREMIUM TENNESSEE CROWN CLUB WHISKY and Design</p> 	Feb. 18, 2013	85-852854	Whisky	EJMV
<p>WHISKY ULTRA PREMIUM LAS VEGAS CROWN CLUB A A A A and Design</p> 	Feb. 18, 2013	85-852857	Whisky	EJMV

ULTRA PREMIUM SOUTHERN CROWN CLUB WHISKY and Design 	Feb. 18, 2013	85-852969	Whisky	EJMV
ULTRA PREMIUM GEORGIA CROWN CLUB WHISKY and Design 	Feb. 25, 2013	85-859648	Whisky	EJMV

36. Each of Defendants' bag designs is substantially and confusingly similar to the Purple Bag mark used in connection with CROWN ROYAL[®] whisky, and infringes and dilutes Diageo's rights in the Purple Bag mark. Defendants' bags immediately evoke Plaintiff's famous Purple Bag and will cause consumers to believe that Defendants' whisky products originate with or are regional variations or line extensions from the maker of CROWN ROYAL[®] whisky. This is especially likely in light of Diageo's regular use of bags in other colors for its CROWN ROYAL[®] line extensions.

37. With a wide universe of available bottle shapes from which to choose, Defendants chose a bottle design similar to the CROWN ROYAL[®] whisky bottles. Because both parties' bottles have a short, wide shape and a decorative stopper, when the parties' products are placed in their respective drawstring bags, they are rendered virtually indistinguishable. Even to the extent the parties' bags or bottles differ in shape or appearance, the overall impression created by Defendants' use of a drawstring bag together with a short, wide bottle and decorative stopper is that Defendants' products are part of the CROWN ROYAL[®] family of line extensions.

38. On information and belief, Defendants are deliberately and in bad faith seeking to appropriate Diageo's existing goodwill in, consumer recognition of, and extensive marketing, promotion, and advertising of CROWN ROYAL[®] whisky, the CROWN ROYAL[®] mark, the Purple Bag mark, and the CROWN ROYAL[®] Trade Dress to enhance the sales of Defendants' infringing products.

39. Needless to say, Diageo has not authorized or licensed Defendants to distribute, market, or sell whisky using Diageo's CROWN ROYAL[®] mark, Purple Bag mark, CROWN ROYAL[®] Trade Dress, or any imitations of those marks or dilutive or confusingly similar indicia.

D. The Effects of Defendant's Unlawful Activities

40. Plaintiff is aware of actual confusion that has occurred in the marketplace as a result of Defendants' infringing products and trademarks, and on information and belief, such actual confusion is continuing.

41. As a direct and proximate result of Defendants' foregoing actions, Diageo is suffering irreparable injury for which there is no adequate remedy at law, and absent injunctive relief, will continue to suffer irreparable injury for which there is no adequate remedy at law.

42. On information and belief, Defendants have derived certain direct and indirect benefits and profits from its unlawful distribution, marketing, and sale of its infringing and dilutive products, all at Diageo's economic and reputational expense. Defendants' foregoing actions have caused and will continue to cause Diageo to suffer damages, including but not limited to lost sales, lost profits, and damaged goodwill.

43. On information and belief, Defendants' foregoing acts have been willful, wanton, malicious, intentional, and purposeful or in reckless disregard of, or with callous indifference to, Diageo's rights.

44. Defendants' foregoing acts have occurred in interstate commerce and in a manner affecting interstate commerce.

45. The activities of Defendants complained of herein have damaged Diageo in an amount that is not yet determined.

COUNT I
FEDERAL TRADEMARK INFRINGEMENT OF THE
CROWN ROYAL[®] TRADEMARK

46. Diageo repeats and incorporates by reference the allegations contained in the foregoing paragraphs.

47. Diageo is the owner of the federally-registered CROWN ROYAL[®] trademark.

48. Through Diageo's extensive and exclusive use and promotion, as well as substantial sales, the CROWN ROYAL[®] trademark, which is inherently distinctive, has garnered widespread public recognition in the United States, and has become well-known and famous among consumers.

49. Defendants' use and intended use of the CROWN-formative trademarks referenced above, both standing alone and together with Defendants' various "Bag" trademarks,

has caused and is likely to continue causing confusion, deception, and mistake by creating the false and misleading impression that Defendants' whiskies offered in conjunction with these marks are affiliated, connected, or associated with Diageo and CROWN ROYAL[®] whisky and the Purple Bag mark, or have Diageo's sponsorship, endorsement, or approval, or are regional variations, line extensions, or brand variants of CROWN ROYAL[®] whisky, or otherwise originate from Diageo, in violation of 15 U.S.C. § 1114.

50. On information and belief, Defendants' actions demonstrate a willful and bad-faith intent to trade on the goodwill associated with Diageo's CROWN ROYAL[®] trademark, and to cause confusion, deception, and mistake in the minds of Diageo's customers and potential customers.

COUNT II
FEDERAL TRADEMARK INFRINGEMENT OF THE
PURPLE BAG MARK

51. Diageo repeats and incorporates by reference the allegations contained in the foregoing paragraphs.

52. Diageo is the owner of the federally-registered Purple Bag mark.

53. Through Diageo's extensive and exclusive use and promotion, as well as substantial sales, the Purple Bag mark, which is inherently distinctive, has garnered widespread public recognition in the United States, and has become well-known and famous among consumers.

54. Defendants' use and intended use of the "Bag" trademarks referenced above, both standing alone and together with Defendants' CROWN-formative trademarks, has caused and is likely to continue causing confusion, deception, and mistake by creating the false and misleading impression that Defendants' whiskies offered in conjunction with these marks are affiliated,

connected, or associated with Diageo and CROWN ROYAL[®] whisky, or have Diageo's sponsorship, endorsement, or approval, or are regional variations, line extensions, or brand variants of CROWN ROYAL[®] whisky, or otherwise originate from Diageo, in violation of 15 U.S.C. § 1114.

55. On information and belief, Defendants' actions demonstrate a willful and bad-faith intent to trade on the goodwill associated with Diageo's Purple Bag mark, and to cause confusion, deception, and mistake in the minds of Diageo's customers and potential customers.

COUNT III
FEDERAL TRADE DRESS INFRINGEMENT, UNFAIR COMPETITION, AND FALSE
DESIGNATION OF ORIGIN

56. Diageo repeats and incorporates by reference the allegations contained in the foregoing paragraphs.

57. Defendants' use of the CROWN-formative and "Bag" trademarks referenced above, both standing alone and together, constitutes false representation, false description, and false designation of origin of Defendant's products and services in violation of 15 U.S.C. § 1125(a). Defendant's actions also constitute unfair competition in violation of 15 U.S.C. § 1125(a).

58. Defendants' use of CROWN-formative and "Bag" trademarks in conjunction with each other, along with other trade dress elements that contribute to the overall look and feel of Defendants' whisky products, emulate and mimic the overall appearance of Diageo's CROWN ROYAL[®] whisky product and packaging, and are confusingly similar to the CROWN ROYAL[®] Trade Dress. Defendants' use thus constitutes trade dress infringement in violation of 15 U.S.C. § 1125(a).

59. Defendants' activities have caused and, unless enjoined by this Court, will continue to cause a likelihood of confusion and deception of members of the public and, additionally, injury to Diageo's goodwill and reputation as symbolized by the CROWN ROYAL[®] and Purple Bag trademarks and the CROWN ROYAL[®] Trade Dress.

COUNT IV
FEDERAL TRADEMARK DILUTION

60. Diageo repeats and incorporates by reference the allegations contained in the foregoing paragraphs.

61. Diageo's CROWN ROYAL[®] and Purple Bag trademarks and CROWN ROYAL[®] Trade Dress are and have become famous by virtue of, *inter alia*, their strong brand recognition, extent of use, extent of advertising, publicity, and nationwide usage.

62. Defendants' foregoing willful and bad faith acts dilute and tarnish, and are likely to and will continue to dilute and tarnish, the distinctive qualities of the CROWN ROYAL[®] and Purple Bag trademarks and CROWN ROYAL[®] Trade Dress in violation of Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c). Defendants' acts discussed above all took place after the CROWN ROYAL[®] and Purple Bag trademarks and CROWN ROYAL[®] Trade Dress became famous, and (a) blur and impair these marks' and trade dress's ability to act as distinctive identifiers of source or origin, (b) tarnish the CROWN ROYAL[®] and Purple Bag trademarks and CROWN ROYAL[®] Trade Dress and harm their reputation, and (c) circumvent Diageo's efforts to maintain the integrity of the products with which these trademarks are associated.

COUNT V
CANCELLATION OF MEXCOR'S REGISTRATIONS
UNDER 15 U.S.C. § 1064

63. Diageo repeats and incorporates by reference the allegations contained in the foregoing paragraphs.

64. Diageo will be damaged by continued registration of Defendant Mexcor's continued registration of the trademarks TEXAS CROWN CLUB (Reg. No. 3,738,906), TEXAS CROWN CLUB and Design (Reg. No. 3,810,851), TEXAS CROWN CLUB and Design (Reg. No. 3,810,852), and SOUTHERN CROWN CLUB (Reg. No. 4,269,884) on the federal principal register.

65. Therefore, in accordance with Section 14 of the Lanham Act (15 U.S.C. § 1064), Reg Nos. 3,738,906; 3,810,851; 3,810,852; and 4,269,884 should be cancelled.

COUNT VI
TRADEMARK DILUTION UNDER TEX. BUS. & COM. CODE ANN. § 16.103

66. Diageo repeats and incorporates by reference the allegations contained in the foregoing paragraphs.

67. Diageo's CROWN ROYAL[®] and Purple Bag trademarks and CROWN ROYAL[®] Trade Dress are and have become famous and widely recognized by the public throughout the state of Texas by virtue of, *inter alia*, strong brand recognition, extent of use, extent of advertising, publicity, and nationwide and statewide usage.

68. Defendants' false and unauthorized imitation of Diageo's CROWN ROYAL[®] and Purple Bag trademarks and CROWN ROYAL[®] Trade Dress, which on information and belief has been willful, dilutes and is likely to dilute the distinctive quality of Diageo's CROWN ROYAL[®] and Purple Bag trademarks and CROWN ROYAL[®] Trade Dress, by eroding the public's exclusive identification of the marks and trade dress with Diageo, tarnishing the positive associations of these marks and trade dress, and lessening the capacity of these marks and trade dress to identify and distinguish Diageo's goods.

COUNT VII
COMMON LAW TRADEMARK INFRINGEMENT AND UNFAIR COMPETITION

69. Diageo repeats and incorporates by reference the allegations contained in the foregoing paragraphs.

70. Defendants are promoting and selling products using trademarks and trade dress that are likely to cause consumer confusion, mistake, and deception.

71. On information and belief, Defendants' conduct is gross, wanton, and willful, and is intended to reap the benefit of Diageo's goodwill in the CROWN ROYAL® and Purple Bag trademarks and CROWN ROYAL® Trade Dress, and constitutes trademark infringement and unfair competition under Texas common law.

72. Diageo is therefore entitled to, among other remedies, injunctive relief, an award of its actual damages, an accounting of any profits enjoyed by Defendants as a result of its unlawful conduct, and punitive damages.

PRAYER FOR RELIEF

WHEREFORE, Diageo prays that Judgment be entered against Defendants as follows:

1. That Defendants, their partners, agents, employees, and all persons in active concert or participation with Defendants, be permanently enjoined and restrained from:

a. Using the CROWN-formative and "Bag" trademarks referenced above, including but not limited to the trademarks set out in the following registrations and applications: TEXAS CROWN CLUB (Reg. No. 3,738,906), TEXAS CROWN CLUB and Design (Reg. No. 3,810,851), TEXAS CROWN CLUB and Design (Reg. No. 3,810,852), SOUTHERN CROWN CLUB (Reg. No. 4,269,884), TENNESSEE CROWN (Ser. No. 85-379607), FLORIDA CROWN CLUB (Ser. No. 85-560550), SOUTH CAROLINA CROWN CLUB (Ser. No. 85-600172); TEXAS CROWN CLUB WHISKY and Design (Ser. No. 85-731118), ULTRA

PREMIUM ARKANSAS CROWN CLUB WHISKY and Design (Ser. No. 85-852818), ULTRA PREMIUM FLORIDA CROWN CLUB WHISKY and Design (Ser. No. 85-852842), ULTRA PREMIUM SOUTH CAROLINA CROWN CLUB WHISKY and Design (Ser. No. 85-852846), and ULTRA PREMIUM TENNESSEE CROWN CLUB WHISKY and Design (Ser. No. 85-852854

b. Using the CROWN ROYAL[®] and Purple Bag trademarks and CROWN ROYAL[®] Trade Dress and any other mark, design, configuration, or trade dress that incorporates the “CROWN” term (including but not limited to “CROWN ROYAL”), or that is confusingly similar to Diageo’s CROWN ROYAL[®] or Purple Bag marks (including but not limited to Defendants’ CROWN and “Bag” marks), or that incorporates the CROWN ROYAL[®] Trade Dress, on or in connection with their whiskies or other products and services discussed herein;

c. Using any false designation of origin or false description, or representing or suggesting directly or by implication that Defendants or their whisky products are affiliated with, associated with, authorized by, or otherwise connected to Diageo; that Defendants are authorized by Diageo to use Diageo’s CROWN ROYAL[®] and Purple Bag marks, the CROWN ROYAL[®] Trade Dress, or Defendants’ marks referenced above; or that Defendants’ whisky products originate with Diageo or are brand variants or line extensions of CROWN ROYAL[®] whisky;

d. Using any simulation, reproduction, copy, or colorable imitation of Diageo’s CROWN ROYAL[®] mark, Purple Bag mark, or CROWN ROYAL[®] trade dress, including but not limited to Defendants’ marks referenced above, in connection with the promotion, advertisement, display, sale, offering for sale, manufacture, production, circulation, or distribution of any product or service in such a manner as to relate or connect, or tend to relate

or connect, such product in any way to Diageo or any products or service sold, manufactured, sponsored, or approved by or connected with Diageo, including but not limited to CROWN ROYAL[®] whisky;

e. Tarnishing, harming the reputation of, blurring, impairing the distinctiveness of, or otherwise diluting the CROWN ROYAL[®] or Purple Bag marks or CROWN ROYAL[®] Trade Dress, including but not limited to through the use and dissemination of Defendants' marks referenced above;

f. Engaging in any other activity constituting unfair competition with Diageo, or constituting infringement of Diageo's CROWN ROYAL[®] or Purple Bag marks or CROWN ROYAL[®] Trade Dress; or

g. Instructing, assisting, aiding, or abetting any other person or entity in engaging in or performing any of the activities referred to in subparagraphs (a) through (f) above.

2. That Defendants be required to recall from the trade and all distribution channels any and all products, packaging, advertising, and promotional materials bearing the infringing and diluting marks and trade dresses;

3. That Defendants be required to undertake corrective advertising to remedy the damage and injury to Diageo caused by Defendants' unlawful, infringing, and dilutive trademarks and trade dresses.

4. That Defendants be required to deliver to the Court for destruction, or show proof of destruction of, any and all products, packaging, advertising, and promotional materials in Defendants' possession or control that use the CROWN ROYAL[®] or Purple Bag marks or CROWN ROYAL[®] Trade Dress, or any other mark, design, or configuration that is confusingly

similar to or dilutes Diageo's CROWN ROYAL[®] or Purple Bag marks or CROWN ROYAL[®] Trade Dress.

4. That Defendants be directed to file with the Court and serve on Diageo, within thirty (30) days after entry of a final injunction, a report in writing under oath setting forth in detail the manner and form in which Defendants have complied with the injunction.

5. That an accounting be ordered and judgment be rendered against Defendants for all profits received from the sale of products and services directly or indirectly in connection with, or advertised or promoted in any manner, utilizing the infringing, diluting, and confusingly similar imitations of the CROWN ROYAL[®] or Purple Bag marks or CROWN ROYAL[®] Trade Dress.

6. That Diageo recover its actual damages.

7. That the award of profits resulting from Defendants' Lanham Act violations, including dilution, infringement, unfair competition, and false designation of origin, be trebled.

8. That the award of profits resulting from Defendants' violation of Tex. Bus. & Com. Code Ann. § 16.103 be trebled.

9. That Diageo be awarded interest, including pre-judgment interest, on the foregoing sums.

10. Finding this to be an "exceptional case" within the meaning of the Lanham Act and directing that Defendants pay Diageo the costs of this action and Diageo's reasonable attorneys' fees and expenses.

11. That Diageo be awarded punitive damages to deter any future violations of Diageo's rights.

12. That, pursuant to 15 U.S.C. § 1119, the Court make a determination and certify an order to the Director of the United States Patent & Trademark Office:

a. That Defendant's U.S. trademark registrations that incorporate the term CROWN be cancelled; and

b. That Defendant's pending U.S. trademark applications discussed above, all of which incorporate "CROWN" and/or a "Bag" design be denied registration.

13. That, pursuant to 15 U.S.C. § 1116, the Court issue a permanent injunction enjoining Defendants from pursuing their current applications for federal registration of the marks cited above that incorporate "CROWN" and/or a "Bag" design, or any future applications for federal registration of CROWN-formative or "Bag" marks in connection with whisky, or the other products and services discussed herein.

14. That the Court direct such other action as the Court may deem just and proper to prevent the trade and public from deriving the mistaken impression that any products or services offered, advertised, or promoted by or on behalf of Defendants are authorized by Diageo or related in any way to Diageo's products or services.

15. That Diageo have such other and further relief as the Court may deem just and proper.

DATED: March 26, 2013

Respectfully Submitted,

FULBRIGHT & JAWORSKI L.L.P.

/s/ Linda L. Addison

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**Pro hac vice* to be filed

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Telecopier: 713.651.5246

EXHIBIT 1



EXHIBIT 2









EXHIBIT 3











EXHIBIT 4

United States Patent Office

635,313
Registered Oct. 2, 1956

PRINCIPAL REGISTER Trademark

Ser. No. 448, filed Jan. 10, 1956

Crown Royal

Joseph E. Seagram & Sons Limited (Canadian corporation)
1430 Peel St.
Montreal, Quebec, Canada

For: ALCOHOLIC LIQUORS—NAMELY, WHISKY—in CLASS 49.
First use Jan. 11, 1954; in commerce Jan. 11, 1954.

COMB. AFF. SEC. 8 & 15
APR 19 1962

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

REGISTRATION NO: 0635313 SERIAL NO 72/000448 MAILING DATE: 10/14/2006
REGISTRATION DATE 10/02/1956
MARK CROWN ROYAL
REGISTRATION OWNER: Diageo North America, Inc

CORRESPONDENCE ADDRESS:

Dana M Gilland
Diageo North America, Inc
801 Main Avenue
Norwalk CT 06851

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(3)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF RENEWAL

15 U.S.C. Sec. 1059(a)

THE COMBINED AFFIDAVIT AND RENEWAL APPLICATION FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE REQUIREMENTS OF SECTION 9 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1059.

ACCORDINGLY, THE REGISTRATION IS RENEWED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
049.

GRANATA, SHARON D
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

PLEASE SEE THE REVERSE SIDE OF THIS NOTICE FOR INFORMATION
CONCERNING REQUIREMENTS FOR MAINTAINING THIS REGISTRATION
ORIGINAL

REQUIREMENTS FOR MAINTAINING A FEDERAL TRADEMARK REGISTRATION

I) SECTION 8: AFFIDAVIT OF CONTINUED USE

The registration shall remain in force for 10 years, except that the registration shall be canceled for failure to file an Affidavit of Continued Use under Section 8 of the Trademark Act, 15 U.S.C. Sec. 1058, at the end of each successive 10-year period following the date of registration.

Failure to file the Section 8 Affidavit will result in the cancellation of the registration.

II) SECTION 9: APPLICATION FOR RENEWAL

The registration shall remain in force for 10 years, subject to the provisions of Section 8, except that the registration shall expire for failure to file an Application for Renewal under Section 9 of the Trademark Act, 15 U.S.C. Sec. 1059, at the end of each successive 10-year period following the date of registration.

Failure to file the Application for Renewal will result in the expiration of the registration.

NO FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS WILL BE SENT TO THE REGISTRANT BY THE PATENT AND TRADEMARK OFFICE. IT IS RECOMMENDED THAT THE REGISTRANT CONTACT THE PATENT AND TRADEMARK OFFICE APPROXIMATELY ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.

Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9

The table below presents the data as entered.

Information	Information
REGISTRATION NUMBER	0635313
REGISTRATION DATE	10/02/1956
SERIAL NUMBER	72000448
MARK SECTION	
MARK	CROWN ROYAL (stylized and/or with design)
OWNER SECTION (current)	
NAME	SEAGRAM COMPANY LTD., THE
STREET	801 Main Ave
CITY	Norwalk
STATE	CT
ZIP/POSTAL CODE	06851
COUNTRY	US
OWNER SECTION (proposed)	
NAME	Diageo North America, Inc.
STREET	801 Main Ave
CITY	Norwalk
STATE	Connecticut
ZIP/POSTAL CODE	06851
COUNTRY	United States
ATTORNEY SECTION	
NAME	Dana M Gilland and Steven Rosenthal
FIRM NAME	Diageo North America, Inc.
STREET	801 Main Avenue

CITY	Norwalk
STATE	Connecticut
ZIP/POSTAL CODE	06851
COUNTRY	United States
EMAIL	trademarks@diageo.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
DOCKET NUMBERS	CRWN-0016-US
OTHER APPOINTED ATTORNEY(S)	Elliot Basner, Jennifer Millones, Graceann Pisano
DESIGN MARK FILE NAME(S)	http://tess2.uspto.gov/ImageAgent/ImageAgentProxy?getImage=72000448

GOODS AND/OR SERVICES SECTION

INTERNATIONAL CLASS	033
KEEP EXISTING GOODS AND/OR SERVICES	YES
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT4\IMAGEOUT4\720\004\72000448\xml\1\S8 90002.JPG
SPECIMEN DESCRIPTION	picture of bottle

PAYMENT SECTION

NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	500
TOTAL AMOUNT	500

SIGNATURE SECTION

SIGNATURE	/Steven M Rosenthal/
SIGNATORY NAME	Steven M Rosenthal
SIGNATORY DATE	08/02/2006
SIGNATORY POSITION	Attorney for Applicant
PAYMENT METHOD	DA

FILING INFORMATION

SUBMIT DATE	Wed Aug 02 11:04:51 EDT 2006
	USPTO/S08N09-129333943-20
	060802110451230904-063531

TEAS STAMP

3-20039d5e634202c59de8280
fa0727bf233-DA-1221-2006
0802104912428110

**Combined Declaration of Use In Commerce & Application For Renewal of
Registration of A Mark Under Sections 8 & 9
To the Commissioner for Trademarks:**

REGISTRATION NUMBER: 0635313

REGISTRATION DATE: 10/02/1956

MARK: CROWN ROYAL (stylized and/or with design)

The owner, Diageo North America, Inc., residing at 801 Main Ave, Norwalk, Connecticut United States 06851, is using the mark in commerce on or in connection with the goods and /or services as follows:

For International Class 033, the owner is using or is using through a related company or licensee the mark in commerce on or in connection with all goods and/or services listed in the existing registration.

The owner is submitting one specimen for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services , consisting of a(n) picture of bottle.
Specimen-1

The registrant hereby appoints Dana M Gilland and Steven Rosenthal and Elliot Basner, Jennifer Millones, Graceann Pisano of Diageo North America, Inc., 801 Main Avenue, Norwalk, Connecticut United States 06851 to submit this Combined Declaration of Use In Commerce & Application For Renewal of Registration of A Mark Under Sections 8 & 9 on behalf of the registrant. The attorney docket/reference number is CRWN-0016-US.

A fee payment in the amount of \$500 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

Declaration

Section 8: Declaration of Use in Commerce

The owner is using or is using through a related company or licensee the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

Section 9: Application for Renewal

The registrant requests that the registration be renewed for the goods and/or services identified above.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Steven M Rosenthal/ Date: 08/02/2006
Signatory's Name: Steven M Rosenthal
Signatory's Position: Attorney for Applicant

Mailing Address:
Diageo North America, Inc.
801 Main Avenue
Norwalk, Connecticut 06851

RAM Sale Number: 1221
RAM Accounting Date: 08/02/2006

Serial Number: 72000448
Internet Transmission Date: Wed Aug 02 11:04:51 EDT 2006
TEAS Stamp: USPTO/S08N09-129333943-20060802110451230
904-0635313-20039d5e634202c59de8280faf07
27bf233-DA-1221-20060802104912428110



ROUTING SHEET TO POST REGISTRATION (PRU)

Registration Number: 0635313



Serial Number: 72000448



RAM Sale Number: 1221

RAM Accounting Date: 20060802

Total Fees: \$500

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
\$8 affidavit	7205	20060802	\$100	1	\$100
Application for Renewal (§9)	7201	20060802	\$400	1	\$400

Physical Location 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICS (AM-FLG-IN-TICS): False

Transaction Date: 20060802





Int. Cl.: 33

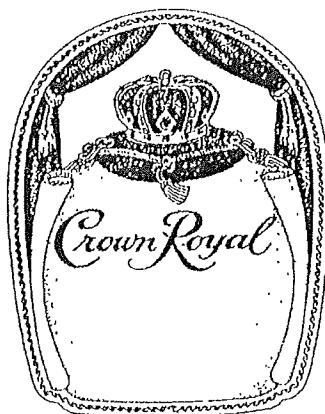
Prior U.S. Cls.: 47 and 49

Reg. No. 2,094,877

United States Patent and Trademark Office

Registered Sep. 9, 1997

TRADEMARK
PRINCIPAL REGISTER



SEAGRAM COMPANY LTD., THE (CANADA
CORPORATION)
1430 PEELE STREET
MONTREAL, QUEBEC, CANADA H3A 1S9

OWNER OF U.S. REG. NOS. 635,313, 1,724,742
AND OTHERS.

THE STIPPLING IS A FEATURE OF THE
MARK AND DOES NOT INDICATE COLOR

FOR: WHISKY, IN CLASS 33 (U.S. CLS 47
AND 49).

SER. NO. 75-150,924, FILED 8-15-1996.

FIRST USE 1-11-1954; IN COMMERCE
1-11-1954.

ROBERT LORENZO, EXAMINING ATTORNEY

Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514
www.uspto.gov

REGISTRATION NO: 2094877 SERIAL NO: 75/150924 MAILING DATE: 11/05/2003
REGISTRATION DATE: 09/09/1997
MARK: CROWN ROYAL AND DESIGN
REGISTRATION OWNER: DIAGEO NORTH AMERICA, INC.

CORRESPONDENCE ADDRESS:

DANA M. GILLAND
DIAGEO NORTH AMERICA, INC.
SIX LANDMARK SQUARE
STAMFORD, CT 10603

NOTICE OF ACCEPTANCE

15 U.S.C. Sec. 1058(a)(1)

THE COMBINED AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION
MEETS THE REQUIREMENTS OF SECTION 8 OF THE TRADEMARK ACT, 15 U.S.C. Sec.
1058.

ACCORDINGLY, THE SECTION 8 AFFIDAVIT IS ACCEPTED.

NOTICE OF ACKNOWLEDGEMENT

15 U.S.C. Sec. 1065

THE AFFIDAVIT FILED FOR THE ABOVE-IDENTIFIED REGISTRATION MEETS THE
REQUIREMENTS OF SECTION 15 OF THE TRADEMARK ACT, 15 U.S.C. Sec. 1065.

ACCORDINGLY, THE SECTION 15 AFFIDAVIT IS ACKNOWLEDGED.

THE REGISTRATION WILL REMAIN IN FORCE FOR CLASS(ES):
033.

STEVENS, VALERETA
PARALEGAL SPECIALIST
POST-REGISTRATION DIVISION
(703)308-9500

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

Reg. No. 2,851,028

United States Patent and Trademark Office

Registered June 8, 2004

TRADEMARK
PRINCIPAL REGISTER

CROWN ROYAL

DIAGEO NORTH AMERICA, INC. (CONNECTI-
CUT CORPORATION)
SIX LANDMARK SQUARE
STAMFORD, CT 06901

OWNER OF U.S. REG. NOS. 635,313 AND 2,094,877.

FOR ALCOHOLIC BEVERAGES NAMELY WHIS-
KEY, IN CLASS 33 (U.S. CLS. 47 AND 49)

SER. NO. 78-271,313, FILED 7-8-2003.

FIRST USE 0-0-1961. IN COMMERCE 0-0-1961

PAUL F. GAST, EXAMINING ATTORNEY

Side - 1

**NOTICE OF ACCEPTANCE AND
ACKNOWLEDGEMENT OF §§8 & 15
DECLARATION**

MAILING DATE: Aug 30, 2009

The combined declaration of use and incontestability filed in connection with the registration identified below meets the requirements of Sections 8 and 15 of the Trademark Act, 15 U.S.C. §1058 and 1065. The combined declaration is accepted and acknowledged. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tari.uspto.gov>.

REG NUMBER: 2851028
MARK: CROWN ROYAL
OWNER: Diageo North America, Inc.

Side - 2

UNITED STATES PATENT AND
TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

Jennifer J. Millones
Diageo North America, Inc.
801 Main Ave
Norwalk, CT 06851

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,020,295

Registered Nov. 29, 2005

TRADEMARK
PRINCIPAL REGISTER



DIAGEO NORTH AMERICA, INC. (CONNECTI-
CUT CORPORATION)
891 MAIN AVE
NORWALK, CT 06851

OWNER OF U.S. REG. NO. 2,879,432.

THE MARK CONSISTS OF A BOTTLE DESIGN
WITH A LABEL DESIGN

FOR ALCOHOLIC BEVERAGES, NAMELY, DIS-
TILLED SPIRITS, IN CLASS 33 (U.S. CLS. 47 AND 49).

SER. NO. 78-469,755, FILLED 8-18-2004

FIRST USE 0-0-1964; IN COMMERCE 0-0-1964.

CAROLINE WOOD, EXAMINING ATTORNEY

From: TMOfficialNotices@USPTO.GOV
Sent: Tuesday, January 10, 2012 11:00 PM
To: trademarks@diageo.com
Subject: Trademark RN 3020295: Official Notice of Acceptance and Acknowledgement under Sections 8 and 15 of the Trademark Act

Serial Number: 78469755
Registration Number: 3020295
Registration Date: Nov 29, 2005
Mark: CROWN ROYAL(STYLIZED/DESIGN)
Owner: Diageo North America, Inc.

Jan 10, 2012

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. **The Section 15 declaration is acknowledged.**

The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.

Class(es):
033

TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

REQUIREMENTS FOR MAINTAINING REGISTRATION

WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.

Requirements in the First Ten Years

What and When to File: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §§1058 and 1059.

Requirements in Successive Ten-Year Periods

What and When to File: You must file a Declaration of Use (or Excusable Nonuse) and an Application for Renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058 and 1059.

Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*****The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.*****

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=78469755>. NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 3,096,261

United States Patent and Trademark Office

Registered May 23, 2006

TRADEMARK
PRINCIPAL REGISTER

CROWN ROYAL

DIAGEO NORTH AMERICA, INC. (CONNECTI-
CUT CORPORATION)
801 MAIN AVE
NORWALK, CT 06851

OWNER OF U.S. REG. NOS. 635,313, 1,724,712,
AND 2,094,877

FOR ARTICLES OF CLOTHING, NAMELY,
JACKETS, CAPS, PULLOVERS, SHIRTS, T-SHIRTS,
IN CLASS 25 (U.S. CLS. 22 AND 39).

SN 78-118,445, FILED 3-29-2002

FIRST USE 0-0-1989; IN COMMERCE 0-0-1989.

DORIT L. CARROLL, EXAMINING ATTORNEY

From: TMOOfficialNotices@USPTO.GOV
Sent: Saturday, May 19, 2012 11:01 PM
To: gina.vendittelli@diageo.com
Subject: Trademark RN 3096261: Official Notice of Acceptance and Acknowledgement under Sections 8 and 15 of the Trademark Act

Serial Number: 78118445
Registration Number: 3096261
Registration Date: May 23, 2006
Mark: CROWN ROYAL
Owner: Diageo North America, Inc

May 19, 2012

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. The Section 8 declaration is accepted.

NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. The Section 15 declaration is acknowledged.

The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.

Class(es):
025

TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

REQUIREMENTS FOR MAINTAINING REGISTRATION

WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.

Requirements in the First Ten Years

What and When to File: You must file a declaration of use (or excusable nonuse) and an application for renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §§1058, 1059.

Requirements in Successive Ten-Year Periods

What and When to File: You must file a declaration of use (or excusable nonuse) and an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*****The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.*****

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=78118445>
NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

Int. Cl.: 25

Prior U.S. Cls.: 22 and 39

Reg. No. 3,234,379

United States Patent and Trademark Office

Registered Apr. 24, 2007

TRADEMARK
PRINCIPAL REGISTER

Crown Royal

DIAGEO NORTH AMERICA, INC. (CONNECTI-
CUT CORPORATION)
801 MAIN AVE
NORWALK, CT 06851

FIRST USE 0-0-1989; IN COMMERCE 0-0-1989.

OWNER OF U.S. REG NOS 1,724,742, 2,094,877,
AND 2,851,028.

FOR: ARTICLES OF CLOTHING, NAMELY,
JACKETS, WIND RESISTANT JACKETS, LEATHER
JACKETS, BOXER , SHIRTS, GOLF SHIRTS, POLO
SHIRTS, KNIT SHIRTS, TANK TOPS, PANTS,
SLEEPWEAR, SWEATSHIRTS, T-SHIRTS, CAPS,
BASEBALL CAPS, VISORS, BANDANAS, HATS,
APRONS, FOOTWEAR, NAMELY, SANDALS AND
FLIP-FLOPS, IN CLASS 25 (U.S. CLS 22 AND 39)

THE MARK CONSISTS OF THE STYLIZED
WORDS CROWN ROYAL.

SN 78-469,725, FILED 8-18-2004.

CAROLINE WOOD, EXAMINING ATTORNEY

Int. Cl.: 33

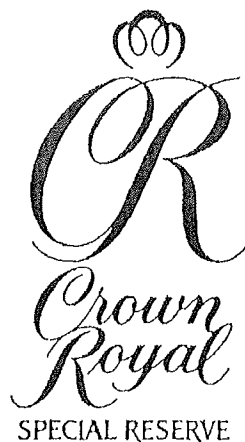
Prior U.S. Cl.: 49

United States Patent and Trademark Office

Reg. No. 1,724,742

Registered Oct. 13, 1992

TRADEMARK
PRINCIPAL REGISTER



JOSEPH E. SEAGRAM & SONS, LIMITED
(CANADA CORPORATION)
1430 PEEL STREET
MONTREAL, QUEBEC, CANADA H3A 1S9

FOR WHISKY, IN CLASS 33 (U.S. CL. 49).
FIRST USE 10-1-1991; IN COMMERCE
10-1-1991

OWNER OF U.S. REG. NOS. 635,313, 635,314,
AND 635,315.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SPECIAL RESERVE", APART
FROM THE MARK AS SHOWN

SN 74-166,801, FILED 5-15-1991.

DONNA MIRMAN, EXAMINING ATTORNEY



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT COMMISSIONER FOR TRADEMARKS
2900 Crystal Drive
Arlington, VA 22202-3513

REGISTRATION NO. 1724742 SERIAL NO. 74/166801

PAPER NO.

MAILING DATE: May 25, 1998

MARK: CR CROWN ROYAL SPECIAL RESERVE

REGISTRANT: SEAGRAM COMPANY LTD., THE

CORRESPONDENCE ADDRESS:

TMPRU

Jon A. Lewis
Joseph E. Seagram & Sons, Inc.
Legal Department
800 Third Avenue
New York, New York 10022

Please furnish the following
in all correspondence:

1. Your phone number and ZIP Code.
2. Mailing date of this action.
3. Affidavit-Renewal Examiner's name.
4. Mark all correspondence to the attention of "PRU" using the above address.
5. Registration No.

RECEIPT IS ACKNOWLEDGED OF THE SUBMITTED REQUEST UNDER:

SECTION 8 OF THE TRADEMARK STATUTE AND 37 CFR SECS. 2.161-2.166.

SECTION 15 OF THE TRADEMARK STATUTE AND 37 CFR SECS. 2.167-2.168.

YOUR REQUEST FULFILLS THE STATUTORY REQUIREMENTS AND HAS BEEN ACCEPTED.

A. J. GORE
AFFIDAVIT-RENEWAL EXAMINER
TRADEMARK EXAMINING OPERATION
(703) 308-9500 EXT. 129

United States of America

United States Patent and Trademark Office

CROWN ROYAL

Reg. No. 3,703,562 DIAGEO NORTH AMERICA, INC. (CONNECTICUT CORPORATION)
Registered Oct. 27, 2009 801 MAIN AVE
NORWALK, CT 06851

Int. Cls.: 25 and 36 FOR ARTICLES OF CLOTHING, NAMELY, SWEATSHIRTS AND HATS IN CLASS 25 (U.S. CLS. 22 AND 39)

TRADEMARK FIRST USE 10-0-2005 IN COMMERCE 10-0-2005
SERVICE MARK
PRINCIPAL REGISTER FOR FINANCIAL SPONSORSHIP OF SPORTING AND CULTURAL EVENTS IN CLASS 36 (U.S. CLS. 100, 101 AND 102)

FIRST USE 2-0-2005 IN COMMERCE 2-0-2005

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE, OR COLOR.

SN 78-169 717, FILED 8-18-2004

MARK RADEMACHER, EXAMINING ATTORNEY



David J. Kypos

Director of the United States Patent and Trademark Office

Int. Cl.: 36

Prior U.S. Cls.: 100, 101, and 102

Reg. No. 3,234,495

United States Patent and Trademark Office

Registered Apr. 24, 2007

SERVICE MARK
PRINCIPAL REGISTER

CROWN ROYAL
CHAMPIONSHIP RACING

DIAGEO NORTH AMERICA, INC. (CONNECTI-
CUT CORPORATION)
801 MAIN AVE
NORWALK, CT 06851

OWNER OF U.S. REG. NOS. 1,724,742, 2,094,877,
AND 2,851,028.

FOR: FINANCIAL SPONSORSHIP OF SPORTING
AND CULTURAL EVENTS, IN CLASS 36 (U.S. CLS.
100, 101 AND 102)

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "CHAMPIONSHIP RACING",
APART FROM THE MARK AS SHOWN.

FIRST USE 2-0-2005 IN COMMERCE 2-0-2005

SN 78-511,993, FILED 11-5-2004

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

CAROLINE WOOD, EXAMINING ATTORNEY

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,291,893

Registered Sep. 11, 2007

TRADEMARK
PRINCIPAL REGISTER

CROWN ROYAL XR

DIAGEO NORTH AMERICA, INC. (CONNECTI-
CUT CORPORATION)
801 MAIN AVENUE
NORWALK, CT 06851

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

FOR: ALCOHOLIC BEVERAGES, NAMELY,
WHISKY, IN CLASS 33 (U.S. CLS. 47 AND 49).

SN 78-734,777, FILED 10-17-2005

FIRST USE: 6-30-2006, IN COMMERCE 6-30-2006.

ASMAT KHAN, EXAMINING ATTORNEY

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,314,727

Registered Oct. 16, 2007

TRADEMARK
PRINCIPAL REGISTER



DIAGEO NORTH AMERICA, INC (CONNECTI-
CUT CORPORATION)
801 MAIN AVENUE
NORWALK, CT 06851

OWNER OF U.S. REG. NOS. 2,094,877, 3,022,956,
AND OTHERS.

FOR: ALCOHOLIC BEVERAGES, NAMELY, WHIS-
KY, IN CLASS 33 (U.S. CLS. 47 AND 49).

SN 78-918,439, FILED 6-28-2006.

FIRST USE 6-30-2006, IN COMMERCE 6-30-2006.

JENNIFER MARTIN, EXAMINING ATTORNEY

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,332,468

Registered Nov. 6, 2007

TRADEMARK
PRINCIPAL REGISTER



DIAGEO NORTH AMERICA, INC. (CONNECTI-
CUT CORPORATION)

801 MAIN AVENUE
NORWALK, CT 06851

FOR ALCOHOLIC BEVERAGES, NAMELY,
WHISKY, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE 9-0-2006; IN COMMERCE 9-0-2006.

OWNER OF U.S. REG. NOS. 1,724,742, 3,022,956,
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SPECIAL RESERVE" APART
FROM THE MARK AS SHOWN.

SN /8-862,668, FILED 4-17-2006.

DAVID COLLIER, EXAMINING ATTORNEY

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,506,079

Registered Sep. 23, 2008

TRADEMARK
PRINCIPAL REGISTER

CROWN ROYAL CASK NO. 16

DIAGEO NORTH AMERICA, INC. (CONNECTI-
CUT CORPORATION)
801 MAIN AVENUE
NORWALK, CT 06851

OWNER OF U.S. REG NOS 635,313 AND 2,851,028

FOR: ALCOHOLIC BEVERAGES, NAMELY,
WHISKY, IN CLASS 33 (U.S. CLS 47 AND 49)

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "CASK", APART FROM THE MARK
AS SHOWN.

FIRST USE 9-30-2007, IN COMMERCE 9-30-2007

SN 77-189,749, FILED 5-24-2007.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

MARK SPARACINO, EXAMINING ATTORNEY

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,596,123

Registered Mar. 24, 2009

TRADEMARK
PRINCIPAL REGISTER

CROWN ROYAL RESERVE

DIAGEO NORTH AMERICA, INC. (CONNECTI-
CUT CORPORATION)
801 MAIN AVENUE
NORWALK, CT 06851

OWNER OF U.S. REG. NOS. 3,022,956, 3,332,468,
AND OTHERS.

FOR DISTILLED SPIRITS, IN CLASS 33 (U.S. CLS.
47 AND 49)

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "RESERVE", APART FROM THE
MARK AS SHOWN

FIRST USE 10-0-2008, IN COMMERCIAL 10-0-2008

SN 77-363,689, FILED 1-3-2008

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR

KATHERINE STODOLAS, EXAMINING ATTORNEY

Int. Cl.: 33

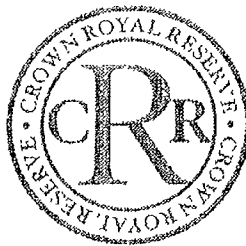
Prior U.S. Cls.: 47 and 49

Reg. No. 3,596,124

United States Patent and Trademark Office

Registered Mar. 24, 2009

TRADEMARK
PRINCIPAL REGISTER



DIAGEO NORTH AMERICA, INC. (CONNECTI-
CUT CORPORATION)
801 MAIN AVENUE
NORWALK, CT 06851

FOR ALCOHOLIC BEVERAGES, NAMELY,
WHISKY, IN CLASS 33 (U.S. CLS. 47 AND 49).

FIRST USE: 10-0-2008, IN COMMERCE 10-0-2008

OWNER OF U.S. REG. NOS. 3,072,956, 3,332,468,
AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "RESERVE", APART FROM THE
MARK AS SHOWN.

THE MARK CONSISTS OF THE WORDS
"CROWN ROYAL RESERVE" ALONG THE TOP
AND BOTTOM OF A CIRCLE AND THE LETTERS
"CRR" CONTAINED WITHIN AN INNER CIRCLE.

SN 77-363,692, FILED 1-3-2008.

KATHERINE STODOLSKA, EXAMINING ATTORNEY

United States of America

United States Patent and Trademark Office

CROWN ROYAL BLACK

Reg. No. 4,023,275

Registered Sep. 6, 2011

Int. Cl.: 33

TRADEMARK

PRINCIPAL REGISTER

DIAGEO NORTH AMERICA, INC. (CONNECTICUT CORPORATION)
801 MAIN AVENUE
NORWALK, CT 06851

FOR ALCOHOLIC BEVERAGES EXCEPT BEERS IN CLASS 33 (U.S. CLS. 47 AND 49)

FIRST USE 3-1-2010, IN COMMERCE 3-1-2010

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT STYLE, SIZE, OR COLOR

OWNER OF U.S. REG. NOS. 635,313, 2,094,877, AND 2,851,028

SN 77-817,194, FILED 9-1-2009

CARRIL GENOVESI, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office

EXHIBIT 5

Int. Cl.: 33

Prior U.S. Cls.: 47 and 49

United States Patent and Trademark Office

Reg. No. 3,137,914

Registered Sep. 5, 2006

**TRADEMARK
PRINCIPAL REGISTER**



DIAGEO NORTH AMERICA, INC. (CONNECTI-
CUT CORPORATION)
801 MAIN AVE
NORWALK, CT 06851

IN BOTH THE STITCHING AND DRAWSTRING OF
THE BAG.

FOR: ALCOHOLIC BEVERAGES, NAMELY, SPIR-
ITS, IN CLASS 33 (U.S. CLS. 47 AND 49).

THE MARK CONSISTS OF A THREE DIMEN-
SIONAL DESIGN OF A PURPLE CLOTH POUCH
BAG WITH GOLD STITCHING AND DRAW-
STRING.

FIRST USE 0-0-1964; IN COMMERCE 0-0-1964.

THE COLORS PURPLE AND GOLD ARE
CLAIMED AS A FEATURE OF THE MARK.

SEC. 2(F).

SER. NO. 78-462,822, FILED 8-5-2004.

PURPLE APPEARS IN THE OVERALL COLOR-
ING OF THE BAG DESIGN AND GOLD APPEARS

JILL C. ALT, EXAMINING ATTORNEY

From: TMOfficialNotices@USPTO.GOV
Sent: Thursday, August 2, 2012 11:00 PM
To: trademarks@diageo.com
Subject: Trademark RN 3137914: Official Notice of Acceptance and Acknowledgement under Sections 8 and 15 of the Trademark Act

Serial Number: 78462822
Registration Number: 3137914
Registration Date: Sep 5, 2006
Mark: Miscellaneous Design
Owner: Diageo North America, Inc.

Aug 2, 2012

NOTICE OF ACCEPTANCE UNDER SECTION 8

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. **The Section 15 declaration is acknowledged.**

The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.

Class(es):
033

TRADEMARK SPECIALIST
POST-REGISTRATION DIVISION
571-272-9500

REQUIREMENTS FOR MAINTAINING REGISTRATION

WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.

Requirements in the First Ten Years

What and When to File: You must file a declaration of use (or excusable nonuse) **and** an application for renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §§1058, 1059.

Requirements in Successive Ten-Year Periods

What and When to File: You must file a declaration of use (or excusable nonuse) **and** an application for renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058, 1059.

Grace Period Filings

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

*****The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.*****

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=78462822>.

NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Diageo North America, Inc.

(b) County of Residence of First Listed Plaintiff **Fairfield**
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Linda L. Addison
Fulbright & Jaworski L.L.P., 1301 McKinney, Suite 5100,
Houston, Texas 77010-3095 Telephone: (713) 651-5151

DEFENDANTS

Mexcor, Inc. and EJM Investments, LLC

County of Residence of First Listed Defendant **Harris**
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity
(Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS		FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input checked="" type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
15 USC 1114 and 15 USC 1125

Brief description of cause:

Trademark infringement; trade dress infringement; unfair competition; false designation of origin;

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

03/26/2013

SIGNATURE OF ATTORNEY OF RECORD

/s/ Linda L. Addison

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

A84

INSTRUCTIONS FOR ATTORNEYS COMPLETING CIVIL COVER SHEET FORM JS 44

Authority For Civil Cover Sheet

The JS 44 civil cover sheet and the information contained herein neither replaces nor supplements the filings and service of pleading or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. Consequently, a civil cover sheet is submitted to the Clerk of Court for each civil complaint filed. The attorney filing a case should complete the form as follows:

- I.(a) Plaintiffs-Defendants.** Enter names (last, first, middle initial) of plaintiff and defendant. If the plaintiff or defendant is a government agency, use only the full name or standard abbreviations. If the plaintiff or defendant is an official within a government agency, identify first the agency and then the official, giving both name and title.
 - (b) County of Residence.** For each civil case filed, except U.S. plaintiff cases, enter the name of the county where the first listed plaintiff resides at the time of filing. In U.S. plaintiff cases, enter the name of the county in which the first listed defendant resides at the time of filing. (NOTE: In land condemnation cases, the county of residence of the "defendant" is the location of the tract of land involved.)
 - (c) Attorneys.** Enter the firm name, address, telephone number, and attorney of record. If there are several attorneys, list them on an attachment, noting in this section "(see attachment)".
- II. Jurisdiction.** The basis of jurisdiction is set forth under Rule 8(a), F.R.Cv.P., which requires that jurisdictions be shown in pleadings. Place an "X" in one of the boxes. If there is more than one basis of jurisdiction, precedence is given in the order shown below.
- United States plaintiff. (1) Jurisdiction based on 28 U.S.C. 1345 and 1348. Suits by agencies and officers of the United States are included here.
- United States defendant. (2) When the plaintiff is suing the United States, its officers or agencies, place an "X" in this box.
- Federal question. (3) This refers to suits under 28 U.S.C. 1331, where jurisdiction arises under the Constitution of the United States, an amendment to the Constitution, an act of Congress or a treaty of the United States. In cases where the U.S. is a party, the U.S. plaintiff or defendant code takes precedence, and box 1 or 2 should be marked.
- Diversity of citizenship. (4) This refers to suits under 28 U.S.C. 1332, where parties are citizens of different states. When Box 4 is checked, the citizenship of the different parties must be checked. (See Section III below; **NOTE: federal question actions take precedence over diversity cases.**)
- III. Residence (citizenship) of Principal Parties.** This section of the JS 44 is to be completed if diversity of citizenship was indicated above. Mark this section for each principal party.
- IV. Nature of Suit.** Place an "X" in the appropriate box. If the nature of suit cannot be determined, be sure the cause of action, in Section VI below, is sufficient to enable the deputy clerk or the statistical clerk(s) in the Administrative Office to determine the nature of suit. If the cause fits more than one nature of suit, select the most definitive.
- V. Origin.** Place an "X" in one of the six boxes.
- Original Proceedings. (1) Cases which originate in the United States district courts.
- Removed from State Court. (2) Proceedings initiated in state courts may be removed to the district courts under Title 28 U.S.C., Section 1441. When the petition for removal is granted, check this box.
- Remanded from Appellate Court. (3) Check this box for cases remanded to the district court for further action. Use the date of remand as the filing date.
- Reinstated or Reopened. (4) Check this box for cases reinstated or reopened in the district court. Use the reopening date as the filing date.
- Transferred from Another District. (5) For cases transferred under Title 28 U.S.C. Section 1404(a). Do not use this for within district transfers or multidistrict litigation transfers.
- Multidistrict Litigation. (6) Check this box when a multidistrict case is transferred into the district under authority of Title 28 U.S.C. Section 1407. When this box is checked, do not check (5) above.
- VI. Cause of Action.** Report the civil statute directly related to the cause of action and give a brief description of the cause. **Do not cite jurisdictional statutes unless diversity.** Example: U.S. Civil Statute: 47 USC 553 Brief Description: Unauthorized reception of cable service
- VII. Requested in Complaint.** Class Action. Place an "X" in this box if you are filing a class action under Rule 23, F.R.Cv.P.
- Demand. In this space enter the actual dollar amount being demanded or indicate other demand, such as a preliminary injunction.
- Jury Demand. Check the appropriate box to indicate whether or not a jury is being demanded.
- VIII. Related Cases.** This section of the JS 44 is used to reference related pending cases, if any. If there are related pending cases, insert the docket numbers and the corresponding judge names for such cases.

Date and Attorney Signature. Date and sign the civil cover sheet.